

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY SMITH,)	
)	
Petitioner,)	
)	
v.)	02: 10-cv-0825
)	
GERALD ROZUM, Superintendent;)	
DISTRICT ATTORNEY OF ALLEGHENY)	
COUNTY; ATTORNEY GENERAL OF THE)	
STATE OF PA,)	
)	
Respondents.)	

MEMORANDUM ORDER OF COURT

Presently pending before the Court for disposition is the MOTION TO CONSIDER (sic) PETITIONER'S OBJECTIONS TO REPORT AND RECOMMENDATION AS A TIMELY MOTION TO ALTER OR AMEND THE JUDGMENT PURSUANT TO RULE 59(e) filed pro se by Petitioner, Anthony Smith (Document No. 23).

Petitioner requests that the Court vacate its Memorandum Order of Court entered February 24, 2012, in which the Court adopted the Report and Recommendation (Document No. 19) as the Opinion of the Court and found that the Petition for Writ of Habeas Corpus filed by Petitioner was untimely filed.

The Court finds and rules that Petitioner has presented no extraordinary circumstances or arguments which meet the high standard required to justify reconsideration. Generally, a motion for reconsideration will only be granted if: (1) there has been an intervening change in controlling law; (2) new evidence, which was not previously available, has become available; or (3) necessary to correct a clear error of law or to prevent manifest injustice. *Harsco Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985), *cert. denied*, 47 U.S. 1171 (1986).

Petitioner has pointed to no intervening change in controlling law, new evidence, a clear error of law, or manifest injustice.

Petitioner continues to advance the same arguments that he made in his Objections to the Magistrate's Report and Recommendation. Said arguments were previously given due consideration, but not credited by this Court. Motions for reconsideration are not designed to provide litigants with a second bite at the apple. *Bhatnagar v. Surrendra Overseas Ltd.*, 52 F.3d 1220, 1231 (3d Cir. 1995). Therefore, the Court finds that the arguments raised in the instant motion do not warrant further analytical discussion.

Fatal to the pending motion, nothing new has been supplemented to the record by the Motion for Reconsideration.

AND NOW, this 21st day of March, 2012, it is hereby **ORDERED**, **ADJUDGED, AND DECREED** that the MOTION FOR RECONSIDERATION filed by Petitioner is hereby **DENIED**.

BY THE COURT:

s/Terrence F. McVerry
United States District Court Judge

cc: Anthony Smith
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